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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/499,031 02/07/00 LEE

K 1293.1090/MD

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WM01/1026

EXAMINER
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HINDI, N	
ART UNIT	PAPER NUMBER

2651  
DATE MAILED:

10/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

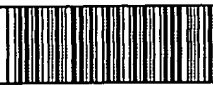
# Office Action Summary

Application No.  
**09/499,031**

Applicant(s)  
**LEE**

Examiner  
**Nabil Hindi**

Art Unit  
**2651**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on APR. 13, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9-14, 19, 20, 25, 31, 33, 35-38, and 45-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 2-6, 8, 15-18, 21-24, 26-30, 32, 34, 39-44, and 49- are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 20) ☐ Other:

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In response to applicant's letter and amendment dated Apr. 13, 2001. The following action is taken:

Applicant's election with traverse of group one claims 1, 7, 9-14, 19-20, 25, 31, 33, 35-38, and 45-48 is acknowledged by the examiner. In response to applicant's argument that there is no undue burden on the examiner to examining the application in it's entirety. The examiner is only allocated 17.5 hours to examine the entirety of the application, this is not enough time to examine an application drawn to independent and distinct inventions. The restriction requirement is maintained and made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9-14, 19-20, 25, 31, 33, 35-38, and 45-48 are rejected under 35

U.S.C. 103(a) as being unpatentable over either one of Maeda et al (6069870) or Horikiri (5537373).

Either one of the references discloses the use of an optical disk recording and reproducing apparatus comprising a disk having wobbled land and grooves therein, each of the land or groove is out of phase with the land/groove, and each of the groove/land is in phase with the land/groove

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(as illustrated in fig 1A of Horikiri, the groove is out of phase and the land is in phase, and fig 2 of Maeda et al showing the in and out phase land and grooves), a wobbling signal detector (photo detection means elements 9-10 of Horikiri and element 33 fig 5A of Maeda et al), a wobbling signal determining means to determine either the light is tracking a land track or a groove track ( fig 19 of Maeda et al and fig 1B of Horikiri, and tracking controller to track either track.

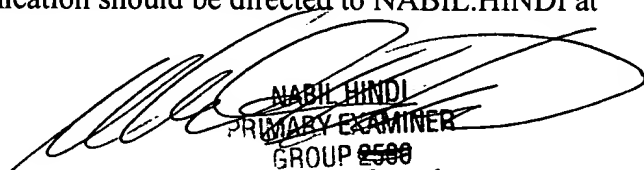
With respect to any of the dependent claims drawn to the land/groove phase different or being the same. Such limitation is present in each of the references since either one shows the use of an out of phase first area (land or groove) and in-phase second area (land or groove).

With respect to the dependent claims drawn to the address information (header) positioned at a boundary line between the land and groove tracks. Such limitation is well established in the art as acknowledged by applicant's own prior art and shown in fig 7A of Maeda et al.

With respect to the limitations of the dependent claims drawn to the signal processing to determine whether the light beam is tracking a land or groove track. The limitation is present in figs 4, 12 and 16 of Maeda et al and figs 1B and 2B of Horikiri.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6208614; 6175540; 6163521; 6167022 and 6088307.

Any inquiry concerning this communication should be directed to NABIL.HINDI at telephone number (703) 308.1555

  
NABIL HINDI  
PRIMARY EXAMINER  
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2651